

AMENDMENT TO H.R. 3973, AS REPORTED
OFFERED BY MR. NUSSLE OF IOWA

Strike all after the enacting clause and insert the
following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Spending Control Act
3 of 2004”.

4 SEC. 2. EXTENSION OF DISCRETIONARY SPENDING LIMITS.

5 (a) DISCRETIONARY SPENDING LIMITS.—(1) Section
6 251(c)(1) of the Balanced Budget and Emergency Deficit
7 Control Act of 1985 (relating to fiscal year 2004) is
8 amended—

9 (A) in subparagraph (A), by striking
10 “\$31,834,000,000” and inserting
11 “\$28,052,000,000”; and

12 (B) in subparagraph (B), by striking
13 “\$1,462,000,000” and inserting “\$1,436,000,000”
14 and by striking “\$6,629,000,000” and inserting
15 “\$6,271,000,000”.

16 (2) Section 251(c)(2) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985 is amended by in-
18 serting a dash after “2005”, by redesignating the remain-
19 ing portion of such paragraph as subparagraph (D) and

1 by moving it two ems to the right, and by inserting after
2 the dash the following new subparagraphs:

3 “(A) for the general purpose discretionary
4 category: \$817,726,000,000 in new budget au-
5 thority and \$866,056,000,000 in outlays;

6 “(B) for the highway category:
7 \$30,585,000,000 in outlays; and

8 “(C) for the mass transit category:
9 \$1,554,000,000 in new budget authority and
10 \$6,787,000,000 in outlays; and”.

11 (3) Section 251(c)(3) of the Balanced Budget and
12 Emergency Deficit Control Act of 1985 is amended by in-
13 serting a dash after “2006”, by redesignating the remain-
14 ing portion of such paragraph as subparagraph (D) and
15 by moving it two ems to the right, and by inserting after
16 the dash the following new subparagraphs:

17 “(A) for the general purpose discretionary
18 category: \$839,167,000,000 in new budget au-
19 thority and \$851,731,000,000 in outlays;

20 “(B) for the highway category:
21 \$33,271,000,000 in outlays; and

22 “(C) for the mass transit category:
23 \$1,671,000,000 in new budget authority and
24 \$7,585,000,000 in outlays; and”.

1 (4) Section 251(c) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985 is amended by re-
3 designating paragraphs (4) through (9) as paragraphs (7)
4 through (12) and inserting after paragraph (3) the fol-
5 lowing new paragraphs:

6 “(4) with respect to fiscal year 2007—

7 “(A) for the highway category:
8 \$35,248,000,000 in outlays; and

9 “(B) for the mass transit category:
10 \$1,785,000,000 in new budget authority and
11 \$8,110,000,000 in outlays;

12 “(5) with respect to fiscal year 2008—

13 “(A) for the highway category:
14 \$36,587,000,000 in outlays; and

15 “(B) for the mass transit category:
16 \$1,890,000,000 in new budget authority and
17 \$8,517,000,000 in outlays; and

18 “(6) with respect to fiscal year 2009—

19 “(A) for the highway category:
20 \$37,682,000,000 in outlays; and

21 “(B) for the mass transit category:
22 \$2,017,000,000 in new budget authority and
23 \$8,968,000,000 in outlays;”.

1 (b) DEFINITIONS.—Section 250(c)(4) of the Bal-
2 anced Budget and Emergency Deficit Control Act of 1985
3 is amended—

4 (1) in subparagraph (B), by—

5 (A) striking “the Transportation Equity
6 Act for the 21st Century and the Surface
7 Transportation Extension Act of 2003” and in-
8 serting “the Transportation Equity Act: A Leg-
9 acy for Users”; and

10 (B) inserting before the period at the end
11 the following new clauses:

12 “(v) 69-8158-0-7-401 (Motor Carrier Safe-
13 ty Grants).

14 “(vi) 69-8159-0-7-401 (Motor Carrier
15 Safety Operations and Programs).”;

16 (2) in subparagraph (C), by—

17 (A) inserting “(and successor accounts)”
18 after “budget accounts”; and

19 (B) striking “the Transportation Equity
20 Act for the 21st Century and the Surface
21 Transportation Extension Act of 2003 or for
22 which appropriations are provided pursuant to
23 authorizations contained in those Acts (except
24 that appropriations provided pursuant to sec-
25 tion 5338(h) of title 49, United States Code, as

1 amended by the Transportation Equity Act for
2 the 21st Century, shall not be included in this
3 category)” and inserting “the Transportation
4 Equity Act: A Legacy for Users or for which
5 appropriations are provided pursuant to author-
6 izations contained in that Act”; and

7 (3) in subparagraph (D)(ii), by striking “sec-
8 tion 8103 of the Transportation Equity Act for the
9 21st Century” and inserting “section 8103 of the
10 Transportation Equity Act: A Legacy for Users”.

11 **SEC. 3. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING**
12 **WITH REVENUES.**

13 Subparagraphs (B) through (E) of section 251(b)(1)
14 of the Balanced Budget and Emergency Deficit Control
15 Act of 1985 are amended to read as follows:

16 “(B) ADJUSTMENT TO ALIGN HIGHWAY
17 SPENDING WITH REVENUES.—(i) When the
18 President submits the budget under section
19 1105 of title 31, United States Code, OMB
20 shall calculate and the budget shall make ad-
21 justments to the highway category for the budg-
22 et year and each outyear as provided in clause
23 (ii)(I)(cc).

24 “(ii)(I)(aa) OMB shall take the actual level
25 of highway receipts for the year before the cur-

1 rent year and subtract the sum of the estimated
2 level of highway receipts in subclause (II) plus
3 any amount previously calculated under item
4 (bb) for that year.

5 (bb) OMB shall take the current estimate
6 of highway receipts for the current year and
7 subtract the estimated level of receipts for that
8 year.

9 “(cc) OMB shall add one-half of the sum
10 of the amount calculated under items (aa) and
11 (bb) to the obligation limitations set forth in
12 the section 8103 of the Transportation Equity
13 Act: A Legacy for Users and, using current es-
14 timates, calculate the outlay change resulting
15 from the change in obligations for the budget
16 year and the first outyear and the outlays flow-
17 ing therefrom through subsequent fiscal years.
18 After making the calculations under the pre-
19 ceding sentence, OMB shall adjust the amount
20 of obligations set forth in that section for the
21 budget year and the first outyear by adding
22 one-half of the sum of the amount calculated
23 under items (aa) and (bb) to each such year.

24 “(II) The estimated level of highway re-
25 ceipts for the purposes of this clause are—

1 “(aa) for fiscal year 2004,
2 \$30,572,000,000;

3 “(bb) for fiscal year 2005,
4 \$34,260,000,000;

5 “(cc) for fiscal year 2006,
6 \$35,586,000,000;

7 “(dd) for fiscal year 2007,
8 \$36,570,000,000;

9 “(ee) for fiscal year 2008,
10 \$37,603,000,000; and

11 “(ff) for fiscal year 2009,
12 \$38,651,000,000.

13 “(III) In this clause, the term ‘highway re-
14 ceipts’ means the governmental receipts cred-
15 ited to the highway account of the Highway
16 Trust Fund.

17 “(C) In addition to the adjustment required by
18 subparagraph (B), when the President submits the
19 budget under section 1105 of title 31, United States
20 Code, for fiscal year 2006, 2007, 2008, or 2009,
21 OMB shall calculate and the budget shall include for
22 the budget year and each outyear an adjustment to
23 the limits on outlays for the highway category and
24 the mass transit category equal to—

1 “(i) the outlays for the applicable category
2 calculated assuming obligation levels consistent
3 with the estimates prepared pursuant to sub-
4 paragraph (D), as adjusted, using current tech-
5 nical assumptions; minus

6 “(ii) the outlays for the applicable category
7 set forth in the subparagraph (D) estimates, as
8 adjusted.

9 “(D)(i) When OMB and CBO submit their final
10 sequester report for fiscal year 2004, that report
11 shall include an estimate of the outlays for each of
12 the categories that would result in fiscal years 2005
13 through 2009 from obligations at the levels specified
14 in section 8103 of the Transportation Equity Act: A
15 Legacy for Users using current assumptions.

16 “(ii) When the President submits the budget
17 under section 1105 of title 31, United States Code,
18 for fiscal year 2006, 2007, 2008, or 2009, OMB
19 shall adjust the estimates made in clause (i) by the
20 adjustments by subparagraphs (B) and (C).

21 “(E) OMB shall consult with the Committees
22 on the Budget and include a report on adjustments
23 under subparagraphs (B) and (C) in the preview re-
24 port.”.

1 **SEC. 4. LEVEL OF OBLIGATION LIMITATIONS.**

2 (a) HIGHWAY CATEGORY.—For the purposes of sec-
3 tion 251(b) of the Balanced Budget and Emergency Def-
4 icit Control Act of 1985, the level of obligation limitations
5 for the highway category is—

- 6 (1) for fiscal year 2004, \$34,309,000,000;
7 (2) for fiscal year 2005, \$35,671,000,000;
8 (3) for fiscal year 2006, \$36,719,000,000;
9 (4) for fiscal year 2007, \$37,800,000,000;
10 (5) for fiscal year 2008, \$38,913,000,000; and
11 (6) for fiscal year 2009, \$40,061,000,000.

12 (b) MASS TRANSIT CATEGORY.—For the purposes of
13 section 251(b) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985, the level of obligation limita-
15 tions for the mass transit category is—

- 16 (1) for fiscal year 2004, \$7,266,000,000;
17 (2) for fiscal year 2005, \$7,750,000,000;
18 (3) for fiscal year 2006, \$8,266,000,000;
19 (4) for fiscal year 2007, \$8,816,000,000;
20 (5) for fiscal year 2008, \$9,403,000,000; and
21 (6) for fiscal year 2009, \$10,029,000,000.

22 For purposes of this subsection, the term “obligation limi-
23 tations” means the sum of budget authority and obligation
24 limitations.

1 **SEC. 5. ADVANCE APPROPRIATIONS.**

2 Section 251 of the Balanced Budget and Emergency
3 Deficit Control Act of 1985 is amended by adding at the
4 end the following new subsection:

5 “(d) ADVANCE APPROPRIATIONS.—In any of fiscal
6 years 2005 through 2006, discretionary advance appro-
7 priations provided in appropriation Acts in excess of
8 \$23,558,000,000 shall be counted against the discre-
9 tionary spending limits for the fiscal year for which the
10 appropriation Act containing the advance appropriation is
11 enacted.”.

12 **SEC. 6. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.**

13 (a) PURPOSE.—Section 252(a) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985 is
15 amended to read as follows:

16 “(a) PURPOSE.—The purpose of this section is to as-
17 sure that any legislation that is enacted before October
18 1, 2009, that causes a net increase in direct spending will
19 trigger an offsetting sequestration.”.

20 (b) TIMING.—Section 252(b)(1) of the Balanced
21 Budget and Emergency Deficit Control Act of 1985 is
22 amended by striking “any net deficit increase” and all
23 that follows through “2002,” and by inserting “any net
24 increase in direct spending enacted before October 1,
25 2009,”.

1 (c) CALCULATION OF DIRECT SPENDING IN-
2 CREASE.—Section 252(b)(2) of the Balanced Budget and
3 Emergency Deficit Control Act of 1985 is amended—

4 (1) by striking “deficit” the first place it ap-
5 pears and inserting “direct spending”;

6 (2) in subparagraph (A) by striking “and re-
7 ceipts”;

8 (3) in subparagraph (C) by striking “and re-
9 ceipts”; and

10 (4) by amending the heading to read as follows:

11 “CALCULATION OF DIRECT SPENDING INCREASE.—
12 ”.

13 (d) CONFORMING AMENDMENTS.—(1) The heading
14 of section 252(c) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985 is amended to read as follows:
16 “ELIMINATING A DIRECT SPENDING INCREASE.—”.

17 (2) Paragraphs (1), (2), and (4) of section 252(d)
18 of the Balanced Budget and Emergency Deficit Control
19 Act of 1985 are amended by striking “or receipts” each
20 place it appears.

21 (3) Section 252(e) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985 is amended by
23 striking “or receipts” and by striking “, outlays, and re-
24 ceipts” and inserting “and outlays”.

1 (4) Section 254(c)(3) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985 is amended—

3 (A) in subparagraph (A) by striking “net deficit
4 increase or decrease” and by inserting “net increase
5 or decrease in direct spending”;

6 (B) in subparagraph (B) by striking “amount
7 of deficit increase or decrease” and by inserting “in-
8 crease or decrease in direct spending”; and

9 (C) in subparagraph (C) by striking “a deficit
10 increase” and by inserting “an increase in direct
11 spending”.

12 **SEC. 7. DEFINITIONS.**

13 (a) IN GENERAL.—Section 250(c) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985 is
15 amended by adding at the end the following new para-
16 graphs:

17 “(20) The term ‘advance appropriation’ means
18 appropriations that first become available one fiscal
19 year or more beyond the fiscal year for which an ap-
20 propriation Act making such funds available is en-
21 acted.

22 “(21)(A) Except as provided by subparagraph
23 (B), the term ‘emergency requirement’ means any
24 provision that provides new budget authority and re-

1 sulting outlays for a situation that poses a threat to
2 life, property, or national security and is—

3 “(i) sudden, quickly coming into being, and
4 not building up over time;

5 “(ii) an urgent, pressing, and compelling
6 need requiring immediate action;

7 “(iii) subject to subparagraph (B), unfore-
8 seen, unpredictable, and unanticipated; and

9 “(iv) not permanent, temporary in nature.

10 “(B) An emergency that is part of an aggregate
11 level of anticipated emergencies, particularly when
12 normally estimated in advance, is not unforeseen.”.

13 (b) FIRE SUPPRESSION; CONTINGENCY OPERATIONS
14 RELATED TO GLOBAL WAR ON TERRORISM.—Section
15 251(b)(2) of the Balanced Budget and Emergency Deficit
16 Control Act of 1985 is amended by adding at the end the
17 following new subparagraph:

18 “(I) FIRE SUPPRESSION.—(i) If a bill or
19 joint resolution is enacted that provides new
20 budget authority for wildland fire suppression
21 for fiscal year 2005 or fiscal year 2006 that
22 would cause the level of total new budget au-
23 thority for wildland fire suppression to exceed
24 the base amount for that fiscal year, the adjust-
25 ment for that fiscal year shall be the additional

1 new budget authority provided for such purpose
2 and the additional outlays flowing from such
3 amounts, but shall not exceed—

4 “(I) for the Forest Service for fiscal year
5 2005 or fiscal year 2006 (as applicable),
6 \$400,000,000; and

7 “(II) for the Department of the Interior
8 for fiscal year 2005 or fiscal year 2006 (as ap-
9 plicable), \$100,000,000.

10 “(ii) For this subparagraph, the term “base
11 amount” refers to the average of the obligations of
12 the 10 fiscal years preceding the current year for
13 wildfire suppression in the Forest Service and in the
14 Department of the Interior, as calculated by OMB,
15 but for fiscal year 2005 the base amount is
16 \$880,000,000.

17 “(J) CONTINGENCY OPERATIONS RELATED
18 TO GLOBAL WAR ON TERRORISM.—If, for fiscal
19 year 2005, appropriations for discretionary ac-
20 counts are enacted for contingency operations
21 related to the global war on terrorism that, pur-
22 suant to this subparagraph, the President des-
23 ignates as a contingency operation related to
24 the global war on terrorism and the Congress
25 so designates in statute, the adjustment shall be

1 the total of such appropriations in discretionary
2 accounts so designated, but not to exceed
3 \$50,000,000,000, and the outlays flowing in all
4 fiscal years from such appropriations.”.

5 (c) CONFORMING AMENDMENT.—The second sen-
6 tence of section 250(c)(4)(A) of the Balanced Budget and
7 Emergency Deficit Control Act of 1985 is amended to
8 read as follows: “The general purpose discretionary cat-
9 egory shall consist of accounts designated in the joint ex-
10 planatory statement of managers accompanying the con-
11 ference report on the Spending Control Act of 2004.”.

12 **SEC. 8. PROJECTIONS UNDER SECTION 257.**

13 Section 257(c) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985 is amended by inserting
15 after paragraph (6) the following new paragraph:

16 “(7) EMERGENCIES.—New budgetary resources
17 designated under section 251(b)(2)(A) or
18 251(b)(2)(J) shall not be assumed beyond the fiscal
19 year for which they have been enacted.”.

20 **SEC. 9. EXCEPTION FOR OUTLAY COMPONENTS OF EXPIR-**
21 **ING RECEIPTS LEGISLATION.**

22 Section 252(d)(4) of the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985 is amended by striking
24 “and” at the end of subparagraph (A), by striking the
25 period and inserting “; and” at the end of subparagraph

1 (B), and by adding at the end the following new subpara-
2 graph:

3 “(C) extending provisions in the Economic
4 Growth and Tax Relief Reconciliation Act of
5 2001 or provisions in sections 101 through 104,
6 section 202, or sections 301 and 302 of the
7 Jobs and Growth Tax Relief Reconciliation Act
8 of 2003.”.

9 **SEC. 10. REPORTS.**

10 Subsections (c)(2) and (f)(2)(A) of section 254 of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985 are amended by striking “2002” and inserting
13 “2006 (or 2009 solely for purposes of enforcing the discre-
14 tionary spending limits for the highway and mass transit
15 categories)”.

16 **SEC. 11. EXPIRATION.**

17 Section 275(b) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985 is amended by striking
19 “2002” and inserting “2006 (or 2009 solely for purposes
20 of enforcing the discretionary spending limits for the high-
21 way and mass transit categories)” and by striking “2006”
22 and inserting “2013”.

1 **SEC. 12. TECHNICAL CORRECTIONS TO THE BALANCED**
2 **BUDGET AND EMERGENCY DEFICIT CONTROL**
3 **ACT OF 1985.**

4 Part C of the Balanced Budget and Emergency Def-
5 icit Control Act of 1985 is amended as follows:

6 (1) In section 250(a), strike “SEC. 256. GEN-
7 ERAL AND SPECIAL SEQUESTRATION
8 RULES” and insert “Sec. 256. General and special
9 sequestration rules” in the item relating to section
10 256.

11 (2) In subparagraphs (F), (G), (H), (I), (J),
12 and (K) of section 250(c)(4), insert “subparagraph”
13 after “described in” each place it appears.

14 (3) In section 250(c)(18), insert “of” after “ex-
15 penses”.

16 (4) In section 251(b)(1)(A), strike “commit-
17 tees” the first place it appears and insert “Commit-
18 tees”.

19 (5) In section 251(b)(1)(C)(i), strike “fiscal
20 years” and insert “fiscal year”.

21 (6) In section 251(b)(1)(D)(ii), strike “fiscal
22 years” and insert “fiscal year”.

23 (7) In section 252(b)(2)(B), insert “the” before
24 “budget year”.

25 (8) In section 252(c)(1)(C)(i), strike “para-
26 graph (1)” and insert “subsection (b)”.

1 (9) In section 254(c)(3)(A), strike “subsection”
2 and insert “section”.

3 (10) In section 254(f)(4), strike “subsection”
4 and insert “section” and strike “sequesterable” and
5 insert “sequestrable”.

6 (11) In section 255(g)(1)(B), move the four-
7 teenth undesignated clause 2 ems to the right.

8 (12) In section 255(g)(2), insert “and” after
9 the semicolon at the end of the next-to-last undesign-
10 nated clause.

11 (13) In section 255(h)—

12 (A) strike “and” after the semicolon in the
13 ninth undesignated clause;

14 (B) insert “and” after the semicolon at the
15 end of the tenth undesignated clause; and

16 (C) strike the semicolon at the end and in-
17 sert a period.

18 (14) In section 256(k)(1), strike “paragraph
19 (5)” and insert “paragraph (6)”.

20 (15) In section 257(b)(2)(A)(i), strike
21 “differenes” and insert “differences”.